

CBSC STAFF REPORT
2004 Annual Cycle Monograph Item 3

PROPOSING STATE AGENCY:

Access Compliance, Division of the State Architect (DSA/AC 2/04)

APPLICATION AFFECTED:

1. Publicly funded buildings, structures, sidewalks, curbs and related facilities shall be accessible to and usable by persons with disabilities, as follows:
 - 1.1 All buildings, structures, sidewalks, curbs and related facilities constructed in the state by the use of state, county or municipal funds, or the funds of any political subdivision of the state;
 - 1.2 All buildings, structures and facilities that are leased, rented, contracted, sublet or hired by any municipal county, or state division of government, or by a special district;
 - 1.3 All publicly funded buildings used for congregate residences or for one- or two-family dwelling unit purposes shall conform to the provisions applicable to living accommodations;
 - 1.4 All existing publicly funded buildings and facilities when alterations, structural repairs or additions are made to such buildings or facilities. For detailed requirements on existing buildings, see Chapter 11B, Division IV; and
 - 1.5 With respect to buildings, structures, sidewalks, curbs and related facilities not requiring a building permit, building standards published in the California Building Standards Code relating to access for persons with disabilities and other regulations adopted pursuant to Government Code Section 4450, and in effect at the time construction is commenced, shall be applicable.
2. All privately funded public accommodations, as defined, and commercial facilities, as defined, shall be accessible to persons with physical disabilities as follows:

Note: See Health and Safety Code commencing with Section 19952.

Exception: Certain types of privately funded multistory buildings do not require installation of an elevator to provide access above and below the first floor. See Chapter 11B.

Note: Exceptions for multistoried buildings formerly located in this section have been moved to Chapter 11B.

 - 2.1 Any building, structure, facility, complex, or improved area, or portions thereof, which are used by the general public;
 - 2.2 Any sanitary facilities, which are made available for the public, clients or employees in such accommodations or facilities;
 - 2.3 Any curb or sidewalk intended for public use that is constructed in this state with private funds; and
 - 2.4 All existing privately funded public accommodations when alterations, structural repairs or additions are made to such public accommodations as set forth under Chapter 11B.
3. Public housing and private housing available for public use.

Note: See Government Code Sections 4450 and 12955.1(d).

SUBJECT:

Part 2, California Building Code, Volume 1, Changes to Chapters 1, 2, 10, 11A, 11B, 11C, and 30 of Title 24, California Code of Regulations.:

Part 2, Volume I

Changes to Chapter 1 include amendments for:

- Including DSA/AC banners throughout the chapter and correcting an incorrect Gov. Code reference.

Changes to Chapter 2 include amendments for:

- Amending references to be consistent with proposed changes to Chapter 11A.
- Adding new definitions for "Curb Line", "Exit", "Existing Building", "Story", and "First story".
- Amending definitions of "Grab Bar", "Persons With Disabilities", and "Public Accommodation".
- Removing existing definitions no longer needed for "Person with Disability" and "Stair Railing".

Changes to Chapter 10 include amendments for:

- Amending references to be consistent with proposed changes to Chapter 11A.
- Correcting references to sections in Chapter 11B.
- Adopting provisions in Section 1003.3.1.8 Type of Latch or Lock for bars, grilles, gates, etc. and in Section 1005.1, General provisions for the exit.

Changes to Chapter 11A include amendments for repealing existing Chapter 11A and adopting the entire California Chapter as rewritten by HCD.

Changes to Chapter 11B include amendments for:

- Amending references throughout to new sections in Chapter 11A, and correcting references within Chapter 11B and to other sections in the code
- Adding definitions for “Curb Line”, “Lift, Special Access”, “Newly Constructed”, and “Public Use Area”
- Amending provisions for bathing and toilet facilities to correct inaccurate language and references
- Removing an exception for reduction of elevator door width inconsistent with the ADA
- Amending provisions for car controls to include colors for symbols as well as raised characters
- Eliminating conflicting provisions for hall call buttons and clarifying height requirements
- Revising provisions for special access (wheelchair) lifts to permit their use as a means of egress
- Adding provisions for plan review and inspection of signage projects in response to SB1242
- Clarifying sign locations along exterior routes of travel
- Providing specifications for contrast and light reflectance values for signage
- Specifying format and shape of Braille dots for signage
- Clarifying locations of room identification and exit signs in relation to doors
- Aligning curb ramp and detectable warning provisions with federal guidelines and recommendations of the California Council of the Blind
- Requiring van accessible parking for buildings providing less than five spaces
- Referencing provisions for encroachment of doors onto ramp landings to those in Chapter 10
- Corrections of dimensions and titles for Figures at the end of Chapter 11B.

FINDINGS:

CBSC Code Advisory Committee Comments/Recommendations

CBSC’s Access Code Advisory Committee (A CAC) recommended further study for sub-item 10, Section 1117B.5.1, [Signage] Plan Review and Inspection, based on oral testimony presented during A CAC proceedings, and approve as submitted/resubmitted for the balance of the items.

(See pages 1-167 through 1-241 of the May, 2005 Code Change Monograph, Volume I, and June 15 Addendum)

Public Comment

1. Sub-item 3-2: Commenter #1 is David F. Thorman, AIA – State Architect – DSA. Mr. Thorman requests Approve as Amended, based on criteria #1, 4, & 6, the following definitions in accordance with A CAC recommendations to correlate them with those in Chapter 11A and with statutory definitions:

- Person with Disability – delete definition in its entirety
- Persons with Physical Disabilities – omit the word “Physical” from the definition

(See page 29 of the October, 2005 Public Comment Monograph)

Response by agency: DSA/AC has proposed to accommodate the comment by deleting the first definition and omitting the word “Physical” from the second to be consistent with the proposed Chapter 11A rewrite by HCD and A CAC recommendations. (See pages 1 and 2 of the Final Statement of Reasons, which follows this report)

Staff Findings:

DSA/AC’s submittal appears to be compliant with the Administrative Procedures Act and Building Standard Law.

2. Sub-items 3-3 and 3-16: Commenter is David F. Thorman, AIA – State Architect – DSA. State Architect – DSA. Mr. Thorman requests Approve as Amended, based on criteria #1, 4, & 6, the following editorial items which he stated were not published for public comment in the May, 2005 monograph:

- The DSA/AC acronym in Chapter 2, Section 206-E be added back into to the code to reflect the agency proposed adoption of this definition, related to sub-item 3-3, to be coordinated with the matrix adoption tables that show their adoption of the definition for “Exit”.
- Definition of “Curb Line” in sub-item 3-2, related to sub-item 3-13, to refer to Chapter 11B for DSA/AC applications
- Minor changes to Figure 11B-1B (identified incorrectly as 11B-9A in the comment), Multiple-Accommodation Toilet Facility, to align with the figure in Chapter 11A
- Deletion of graphic depiction of beveled lip at the bottom of curb ramp shown in Figure 11B-21.

(See pages 31 and 25 of the October, 2005 Public Comment Monograph)

Response by agency: DSA/AC has proposed to accommodate the comments to:

- Include their acronym and reference to Section 1005.1 in the definition of exit
 - Include their acronym and reference to Chapter 11B, Section 1102B, in the definition of curb line
 - Amend Figure 11B-9A (sic) to be consistent with changes to adaptable bathrooms in Chapter 11A, 1127A.2.1 (Multiple-accommodation Toilet Facilities)
 - Amend Figure 11B-21 to delete the graphic representation of the ½" beveled lip at the bottom of the ramp to be consistent with the proposed amendments I 1127B.5 Item #5
- (See pages 3 and 17 of the Final Statement of Reasons)

Staff Findings:

DSA/AC's comments and response appear to be irrelevant, because CBSC staff finds these sub-items presented as requested in the May, 2005 monograph and June 15 Addendum.

3. Sub-items follow: Commenter is David F. Thorman, AIA – State Architect – DSA. State Architect – DSA. Mr. Thorman requests Approve as Amended, based on criteria #1, 4, 6, & 7, the following items without regulatory effect:

- Sub-item 3-2: Amend the proposed definition for "Public Accommodation" by adding the word 'such' to the definition. (See page 30 of the October, 2005 Public Comment Monograph)
Response by agency: DSA/AC has proposed to amend the existing language for public accommodations to be consistent with the federal standard 36.104 and Section 9.1.1 (Exception). This amendment refines the existing Title 24 regulations to align with the Americans with Disabilities Act (ADA). (See page 2 of the Final Statement of Reasons)
- Sub-items 3-3 and 3-15: Amend Section 1133B.5.4.3 Encroachment of doors to be consistent with other references in 1003.3.4.4. (See pp. 31 & 34 of the October, 2005 Public Comment Monograph)
Response by agency: DSA/AC agrees with the comment and has proposed to further amend Section 1133B.5.4.3 to be consistent with references in Section 1003.3.4.4. In 1133B.5.4.3 (Encroachment of doors.) is a related change to 1003.3.4.4. DSA/AC requested this language be included in the Express Terms of the 45-day Monograph but BSC was unsuccessful in printing this amendment. (See pages 2 & 15 of the Final Statement of Reasons)

Staff Findings: The express terms for DSA/AC applications in the May 2005, Monograph for Sections 1003.3.4.4 (p. 1-173) and 1133B.5.4.3 (p. 1-188) currently reference each other in circular fashion. DSA/AC proposed to copy exact language from 1003.3.4.4 into 1133B.5.4.3 as shown underlined on page 34 of the October, 2005 Public Comment Monograph.

- Sub-item 3-6: Correct spelling for the word 'nonpassenger' be incorporated in Title 24. (See page 31 of the October, 2005 Public Comment Monograph)
Response by agency: DSA/AC is proposing to correct the spelling of 'nonpassenger' to read 'nonpassenger'. There are three letter S's in the word 'nonpassenger' which DSA/AC feels meets H&SC 18930(a) Criterion #6. (See page 4 of the Final Statement of Reasons)
- Sub-item 3-8: Amend Section 1116B.1.10 [Elevator] Hall Call Buttons by correcting the singular reference to the word 'button' to the plural word 'buttons'. (See page 32 of the October, 2005 Public Comment Monograph)
Response by agency: DSA/AC proposes to amend the sentence to read: "*The centerline of the hall call buttons shall be 42 inches (1067 mm) above the floor.*" (See page 4 of the Final Statement of Reasons)
- Sub-item 3-11: Amend Section 1117B.5.7 by deleting a 'comma' after the words 'latch side' to correct the grammar of the sentence. (See page 32 of the October, 2005 Public Comment Monograph)
Response by agency: DSA/AC agrees with the comment and has proposed to amend Section 1117B.5.7 by deleting a comma after the words 'latch side'. (See page 10 of the Final Statement of Reasons)
- Sub-item 3-13: Amend by 1127B.5 Curb Ramps and 1133B.8.3 Detectable warnings at transit boarding platforms by deleting the word 'of' before '1.67 inches' as shown in the Final Express Terms. (See pages 32-34 of the October, 2005 Public Comment Monograph)
Response by Agency: DSA/AC proposes a change without regulatory effect to delete the word 'of' before '1.67 inches'. (See page 10 of the Final Statement of Reasons)

- Sub-item 3-15: Amend by replacing the word 'outlined' with the word 'lined' in the first sentence of Section 1129B.3 Parking Space Size (#1 Dimensions). (See page 60 of the October, 2005 Public Comment Monograph)

Response by agency: DSA/AC agrees with the comment and has proposed to amend Section 1129B.3 Parking Space Size (#1 Dimensions). (See page 14 & 15 of the Final Statement of Reasons)

Staff Findings: See also comments from Mark Woods, Daniel P. Larsen, and Michael Graham, below, with similar recommendations.

- Sub-item 3-15: Amend Section 1133B.2.3.4 Turnstiles, rails and pedestrian controls (Exception) by correcting a cross-reference from item #4 to item #5. (See page 34 of the October, 2005 Public Comment Monograph)

Response by agency: DSA/AC agrees with the comment and has proposed to amend Section 1133B.2.3.4 to correct a cross-reference in the Exception to read 'Section 101.17.11, item #5'. The cross-reference to Section 101.17.11, item #4 is incorrect. (See page 15 of the Final Statement of Reasons)

- Sub-item 3-16: Amend Figures 11B-9A, 11B-18A, 18B, & 18C, 11B-19A, 19B, 19C, 20A, 20B, 20C, 20D, & 21 as follows:

Figure 11B-18A -- Remove a stray arrow to the right of the centerline dimensioning the accessible parking stall on the right.

Figures 11B-18A, 18B and 18C -- Correct the reference to read 1129B.4 instead of 1129B.5, which is incorrect.

Figures 11B-19A, 19B, 19C, 20A, 20B, 20C, 20D & 21-- Remove the detectable warning currently depicted on figures 11B-19A, 11B-19B and 11B-20C CASE E. DSA/AC is proposing to add a note stating "FOR DETECTABLE WARNING REQUIREMENTS AT CURB RAMPS, SEE SECTION 1127B.5, ITEM #7" to figures 11B-19A, 11B-19B, 11B-19C, 11B-20A CASE A & B, 11B-20B CASE C & D, 11B-20C CASE E & F, 11B-20D CASE G, and 11B-21(a).

(See page 35 of the October, 2005 Public Comment Monograph)

Response by agency: DSA/AC proposes to accommodate the comments by amending the figures as recommended.

Staff Findings:

DSA/AC states that these changes are without regulatory effect. Therefore, they are not required to be addressed by the Final Statement of Reasons or Updated Informative Digest. CBSC staff is aware of these proposed related changes and will coordinate these modifications during the codification process.

4. Sub-item 3-5: Commenter #1 is Kurt A. Schaefer, P.E., Deputy Director – OSHPD. Mr. Schaefer requests approve as amended, based on criteria #3, 6, and 7:

Mr. Schaefer requested that a separate definition for "Common Use Area" be added to Chapter 11B because the current definition for "Public Use Area" found in Chapter 11A is specific to multifamily residential facilities and not applicable to public and commercial facilities. (See page 36 of the October, 2005 Public Comment Monograph)

Response by agency: DSA/AC concurs with Mr. Schaefer's comments, but proposes to make no change to the regulations, because the subject regulation is already scheduled for review at the next regular triennial or other scheduled adoption in 2006 as part of the Department of Justice ADA Certification. (See page 4 of the Final Statement of Reasons)

Staff Findings:

Mr. Schaefer's comments are substantive and beyond the scope of this rulemaking. DSA/AC's submittal appears to be compliant with the Administrative Procedures Act and Building Standard Law.

5. Sub-item 3-7: Commenter #1, Mark Wood, Chief Building Official, City of Davis; #2, Michael Graham, Chief Building Official, City of Woodland; and #3, Daniel P. Larsen, Committee Chairman, CALBO Access Compliance Committee request Disapproval for the following reasons, based on criteria #1, 4, and 6:

Commenters request a re-write of shower requirements in Section 1115B.2.1.3 & Section 1115B.6.2. Sections 1115B.2.1.3 and 1115B.6.2 and each contain separate and specific conditions for use. Both

sections should be combined into a single shower requirement. (See pages 37 – 39 of the October, 2005 Public Comment Monograph)

Response by agency: DSA/AC concurs with the commenters, but proposes to make no change to the regulations, because the subject regulation is already scheduled for review at the next regular triennial or other scheduled adoption in 2006 as part of the Department of Justice ADA Certification of Chapter 11B of the CBC. (See page 4 of the Final Statement of Reasons)

Staff Findings:

Comments are substantive and beyond the scope of this rulemaking. DSA/AC's submittal appears to be compliant with the Administrative Procedures Act and Building Standard Law.

6. Sub-item 3-8: Commenter #1 is Eugene Lozano, Jr., California Council of the Blind, Inc. requests Approved as Submitted for the following reasons, based on criteria #2, 3, 5, and 7:
Mr. Lozano requests that Section 1116B.1.10 Hall Call Buttons be amended to specify illumination and mechanical activation of elevator hall call buttons, because some of those provisions are already contained in Section 1116B.1.9 for elevator car controls, and expanding the illumination requirements will enhance visual detection. (See page 40 of the October, 2005 Public Comment Monograph)

Response by agency: DSA/AC proposes no change to address Mr. Lozano's request for approve as amended, because the request is substantive and beyond the scope of this rulemaking. However, DSA/AC may propose to make the recommended changes in a future rulemaking. (See page 4 of the Final Statement of Reasons)

Staff Findings:

DSA/AC's submittal appears to be compliant with the Administrative Procedures Act and Building Standard Law.

7. Sub-item 3-10: Commenter #6 is David F. Thorman, AIA – State Architect – DSA. Mr. Thorman requests Approved as Amended, based on criteria #6.
Commenter #1, Mark Wood, Chief Building Official, City of Davis; #4, Michael Graham, Chief Building Official, City of Woodland; and #5, Daniel P. Larsen, Committee Chairman, CALBO Access Compliance Committee all request Disapprove and Approved as Amended, based on criteria #1, 3, 4, 5, 7, and 8.

The commenters request to repeal proposed Section 1117B.5.1, Paragraph 4, 'Plan Review and Inspection' for signage, and revise the requirements to meet better the legislative mandate to improve the enforceability of sign regulations at the local level. (See pages 46 – 50 of the October, 2005 Public Comment Monograph)

Response by agency: DSA/AC proposes to accommodate the comment by revising the language as recommended by the commenters. (See pages 5 & 6 of the Final Statement of Reasons)

8. Sub-item 3-10: Commenters #3, Thomas Clause, Director of Government and Technical Affairs and Robert Garcia, Attorney at Law, Golden State Advocacy Group request Withdraw for Further Study Section 1117B.5.1 (4) 'Plan Review and Inspection', because it would escalate the costs and complexity of building permits without a concomitant public benefit.

Response by agency: See DSA/AC's response by agency for ITEM 3-10 by David Thorman, State Architect – DSA, et al, above. (See pages 6 & 7 of the Final Statement of Reasons)

9. Sub-item 3-10: Commenter #6 is Eugene Lozano, Jr., California Council of the Blind, Inc. requests approved as submitted Sections 1117B.5.1(4), Plan Review and Inspection and 1117B.3 and 1127B.3 (from sub-item 9) based on criteria #2, 3, 5, and 7. (See page 43 of the October, 2005 Public Comment Monograph)

Response by agency: No new change is proposed to the regulations, since Mr. Lozano's comment was in support of the proposed amendment as submitted. (See page 8 of the Final Statement of Reasons)

Staff Findings:

DSA/AC's submittal of revised language appears to conflict with Government Code Section 11346.8 (c) because of the substantive nature of the changes proposed without sufficient public notice.

10. Sub-item 3-11: Commenter #1 is Sharon Toji, H. Toji Companies, requests Approved as Submitted Section 1117B.5.2 Finish and Contrast, in a letter of support for the agency's proposed amendment. (See pages 51 & 52 of the October, 2005 Public Comment Monograph)

Response by agency: DSA/AC is proposing to delete the words 'characters' in the 2nd sentence for clarity and proper grammar. DSA/AC has removed the code change regarding the light reflectance value (LRV) of a material's finish and contrast and will take this under consideration in a future rulemaking. (See page 8 of the Final Statement of Reasons)

11. Sub-item 3-11: Commenter #3 is Eugene Lozano, Jr., California Council of the Blind, Inc. requests Approved as Submitted for Sections 1117B.5.2 Finish and Contrast; 1117B.5.5(4) Character Placement; 1117B.6 Braille; and 1117B.5.7 Mounting location and height, based on criteria #2, 3, 5, and 7. (See page 53 of the October, 2005 Public Comment Monograph)

Response by agency: DSA/AC is proposing to delete the words 'characters' in the 2nd sentence for clarity and proper grammar. DSA/AC has removed the code change regarding the light reflectance value (LRV) of a material's finish and contrast and will take this under consideration in a future rulemaking. (See page 9 & 10 of the Final Statement of Reasons)

12. Sub-item 3-11: Commenters #2, are Thomas Clause, Director of Government and Technical Affairs and Robert Garcia, Attorney at Law, Golden State Advocacy Group. Mr. Clause and Mr. Garcia request Disapproved because the International Sign Association challenges the regulation as unenforceable and in conflict with federal standards, which include it as a guideline only. (See page 44 & 45 of the October, 2005 Public Comment Monograph)

Response by agency: DSA/AC is proposing to delete the words 'characters' in the 2nd sentence for clarity and proper grammar. DSA/AC has removed the code change regarding the light reflectance value (LRV) of a material's finish and contrast and will take this under consideration in a future rulemaking. (See page 9 of the Final Statement of Reasons)

Staff Findings:

DSA/AC is proposing to withdraw proposed regulations for Section 1117B.5.2 Finish and Contrast. DSA/AC's submittal appears to be compliant with the Administrative Procedures Act and Building Standard Law.

13. Sub-item 3-13: Commenter #4 is Dirk Neyhart, Public Member, asks that provisions for detectable warning surfaces, as shown in Section 1127B.5(7), improve mobility and safety for persons who rely on them for independent travel. (See page 58 of the October, 2005 Public Comment Monograph)

Response by agency: No change needed, supporting comment. (See page 10 of the Final Statement of Reasons)

14. Sub-item 3-13: Commenter #1, Michelle Bernstein, Individual, requests Disapprove provisions for detectable warning surfaces, because they increase the size, surface area, and frequency of installment of truncated domes, which are costly and not supported by research into casualties of blind pedestrians. (See page 54 of the October, 2005 Public Comment Monograph)

Response by agency: DSA/AC proposes to make no change to accommodate the comment. See responses to John Paul Scott, AIA in Paragraph 17 below. (See page 11 of the Final Statement of Reasons)

15. Sub-item 3-13: Commenter #2, Nathaniel T. Wales, National Federation of the Blind, requests Disapprove Section 1127B.5(7) or any mandate to require larger specifications for truncated domes, because:
 - The kind currently required work well enough, and

- Adoption of this specific provision may impose an unnecessary, unfunded mandate that may not be supported in the future by federal regulations.
(See pages 55 & 56 of the October, 2005 Public Comment Monograph)

Response by agency: DSA/AC proposes to make no change to accommodate the comment. See responses to John Paul Scott, AIA in Paragraph 17 below. (See page 11 of the Final Statement of Reasons)

16. Sub-item 3-13: Commenter #6, Chad F. Allen. Mr. Allen requests Disapprove for the following reasons:
- Detectable warning surfaces at curb ramps confuse the pedestrian as to the nature of the hazard, e.g., rail platform or street crossing;
 - Lengthening the depth of detectable warnings from 24" to 36" is unnecessary.
- (See page 59 of the October, 2005 Public Comment Monograph)

Response by agency: DSA/AC proposes to make no change to accommodate the comment. See responses to John Paul Scott, AIA in Paragraph 17 below. (See page 11 of the Final Statement of Reasons)

17. Sub-item 3-13: Commenter #3, John Paul Scott, AIA, CREATE Access, objects to two provisions in the code change proposal for detectable warning surfaces because:
- Application to all ramps rather than hazardous areas dilutes the purpose and meaning of detectable warnings, and
 - Change to 36" running length is arbitrary and conflicts with federal standards in ADAAG and ICC ANSI A117.1, and civil rights regulations in California's Unruh Act.
- (See pages 56 & 57 of the October, 2005 Public Comment Monograph)

Response by agency: DSA/AC proposes to make no change to accommodate the comment, because detectable warnings are required by current federal standards. The proposed code changes are consistent with, or are considered equivalent to, those federal standards. The USDOJ has indicated some of these changes as a required part of the ADA certification of the California Building Code. (See page 12 of the Final Statement of Reasons)

18. Sub-item 3-13: Commenter #1, Eugene Lozano, Jr., California Council of the Blind, Inc. requests Approved as Submitted, based on criteria #2, 3, 5, and 7, deleting the Beveled lip requirement in Section 1127B.5 #5 for curb ramps, because a beveled lip does not provide the same degree of warning as a detectable warning surface. (See page 54 of the October, 2005 Public Comment Monograph)

Response by agency: No change needed, supporting comment. (See page 13 of the Final Statement of Reasons)

19. Sub-item 3-13: Commenter #5 Eugene Lozano Jr., California Council for the Blind Inc. requests Approve as Amended, based on criteria # 2, 3, 5 & 7, Section 1127B.5(7) to revise for the center to center spacing of domes in detectable warning surfaces to 2.0" in lieu of the proposed range of 1.67" minimum to 2.35" maximum. (See page 58 of the October, 2005 Public Comment Monograph)

Response by agency: DSA/AC proposes to make no change to accommodate the comment, because the Access Board believes that the revised specification, which allows variance in dome spacing, will help to minimize disruptions or hazards to mobility aid traffic. See also response to John Paul Scott, AIA, Paragraph 17 above. (See page 14 of the Final Statement of Reasons)

Staff Findings:

DSA/AC's submittal appears to be compliant with the Administrative Procedures Act and Building Standard Law.

20. Sub-item 3-15: Commenters #3, 4, & 5, Mark Wood, Chief Building Official, City of Davis; Michael Graham, Chief Building Official, City of Woodland; and Daniel P. Larsen, Committee Chairman, CALBO Access Compliance Committee all request Approved as Amended, based on criteria #1, 3, and 4, for
- Replacing the word 'outlined' with the word 'lined' in the first sentence of Section 1129B.3 Parking Space Size (#1 Dimensions), and

- Adding references to additional Figures 11B-18B and 11B-18C. (See page 61 of the October, 2005 Public Comment Monograph)

Response by agency: DSA/AC concurs with this comment and proposes to include the word “lined” and the reference to additional parking stall figures in the final Express Terms.

Staff Findings:

DSA/AC's submittal appears to be compliant with the Administrative Procedures Act and Building Standard Law.

21. Sub-item 3-16: Commenter #1, Ewa O'Neal, City of Los Angeles, requests Approved as Amended, based on criteria #6, Figures 11B-2A, 11B-2B, 11B-2C, 11B-9A, and 11B-9B to correct various dimensions, some of which conflict with the ADA. (See page 64-71 of the October, 2005 Public Comment Monograph)

Response by agency: DSA/AC proposes to make no changes to accommodate the comment because they are beyond the scope of this rulemaking. However the subject regulations are already scheduled for review at the next regular triennial or other scheduled adoption in 2006 as part of the Department of Justice ADA Certification. (See page 16 of the Final Statement of Reasons)

Staff Findings:

DSA/AC's submittal appears to be compliant with the Administrative Procedures Act and Building Standard Law.

22. Sub-item 24-2: Commenter #1 Hal Kelton, Sierra Pacific Sales requests Disapproval of Part 12, Section 12-10-202(f) Levers for the following reasons:
 - Adoption of Section 1132A.8.1 in Chapter 11A as written will create ambiguity and inconsistent enforcement, since it refers to a section hidden in Part 12.
 - The idea that the ½” return on lever type hardware prevents catching of clothing is fallible.

Response by agency: No change is being made to accommodate Mr. Kelton's comment, because this code change is not part of this Rulemaking for DSA/AC. DSA/AC believes Mr. Kelton is referring to the CCR, Title 24, Part 12 Chapter 12-10-2. The State Fire Marshal is the State agency with the specific responsibility for this provision. (See page 17 of the Final Statement of Reasons)

Staff Findings:

DSA/AC's submittal appears to be compliant with the Administrative Procedures Act and Building Standard Law.

COMMISSION ACTION:

For efficiency, staff recommends that the Commission act on the uncontested sub-items in one motion, and act on the remaining sub-items individually.

The Commission may take any one of the following actions on this item:

- ❖ **Approve**
- ❖ **Disapprove**
- ❖ **Approve as Amend**
- ❖ **Further Study**